

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PROPOSED)
REVISION OF WATER DISTRICT NOS.)
73 AND 170 BY INCLUDING)
ADMINISTRATIVE BASIN 73 GROUND)
WATER RIGHTS IN WATER DISTRICT)
NO. 73 AND DESIGNATING WATER)
DISTRICT NO. 73 AS A SUB-DISTRICT)
OF WATER DISTRICT NO. 170)
_____)

NOTICE OF PUBLIC HEARING

The Director of the Idaho Department of Water Resources (Director or Department) is authorized to divide the state into water districts for the purpose of distributing water among appropriators under the laws of the State of Idaho. Section 42-604, Idaho Code provides authority for the Director to create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts.

NOTICE IS HEREBY GIVEN, pursuant to Section 42-604, Idaho Code that the Department will conduct a public hearing regarding the proposed revision of Water District Nos. 73 and 170, as follows:

PUBLIC HEARING FOR THE PROPOSED REVISION OF WATER DISTRICT NOS. 73 AND 170:

2:00 PM, November 14, 2012 at the May Grange Hall, May, ID

Water District No. 73 (WD73) includes surface water rights diverted from the Pahsimeroi River and tributaries to the Pahsimeroi River. Water District No. 170 (WD170) includes all surface water and ground water rights in the Department's administrative basins 71 and 72, other than de minimis domestic and stock water rights as defined by sections 42-111 and 42-1401A(11), Idaho Code. On April 6, 2006, the Director issued *Amended Final Order Creating Water District No. 170*. A copy of the order is posted on the Department's website, as follows:

<http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/UpperSalmon/UpperSalmon.htm>.

Existing water districts located within the boundaries of WD170 were designated as sub-districts of WD170 by the Director's Amended Final Order. That order also included a description of the Director's proposal to later expand WD170 to encompass all of basins 73, 74 and 75, provided the SRBA District Court granted the Director authority for interim administration in those basins. That authority was granted for Basin 73 by the SRBA District Court on May 21, 2010.

The Department proposes to revise WD73 and WD170, as follows:

- All water rights in administrative basin 73 shall be included in WD73, with the exception of de minimis stock water and domestic water rights as defined by sections 42-111 and 42-1401A(11), Idaho Code, and rights used for in-stream watering of livestock as defined by Section 42-113, Idaho Code;
- The boundaries of WD170 shall be revised to include all surface and ground water rights in basin 73, other than de minimis stock water and domestic water rights as defined by Sections 42-111 and 42-1401A(11), Idaho Code, and rights used for in-stream watering of livestock as defined by Section 42-113, Idaho Code; and

- WD73 shall be designated a sub-district of WD170.

The purpose of these proposed water district revisions is to better integrate the administration and delivery of water rights tributary to the Upper Salmon River, including rights diverted from ground water. At the hearing, IDWR staff will present information about why the Director is proposing to modify the water district and a timeline for district modification. The Director proposes that the modifications accomplished by this action will be implemented by 2013.

The Director proposes that the sub-district be responsible for certain duties under the direction and supervision of the WD170 watermaster, including: (1) measurement and reporting of diversions under water rights; (2) administration of water rights in priority; (3) curtailment and enforcement against unauthorized or excessive diversions. The proposed WD73 sub-district will operate similar to an independent water district, but will be a part of WD170. The proposed sub-district will adopt its own budget for purposes of measuring, recording, reporting, and regulating surface and ground water diversions within the sub-district and will fund one or more seasonal or full-time watermasters who will serve as deputy watermasters under the WD170 watermaster. The proposed sub-district will meet annually to adopt a budget and conduct other business necessary to operate the sub-district, such as adopting resolutions and selecting a sub-district watermaster. The Department proposes that the sub-district shall not be subject to assessments from the WD170 watermaster provided the sub-district adequately measures, records, reports, and controls sub-district diversions.

Information and testimony presented at the hearing on November 14, 2012, will create a record which will assist the Director in determining whether the proposed water district revisions are appropriate. Persons attending the hearing will be provided an opportunity to make an oral presentation regarding the proposed water district revisions. It is important that holders of water rights understand the proposed action and participate in the hearing process. Tim Luke, IDWR Water Compliance Bureau Chief, will serve as the hearing officer. The hearing record will remain open until November 26, 2012. Users that are unable to attend the hearing and those that wish to submit additional testimony may submit written comments at any time prior to the close of the written comment period on November 26, 2012. Written comments not presented at the hearing should be sent to the Director, Department of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098.

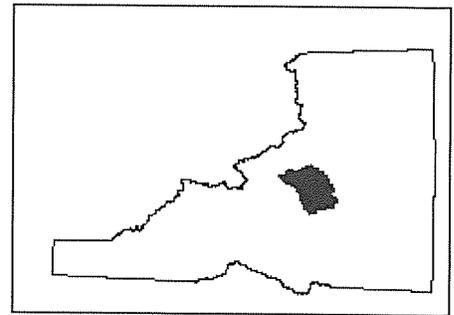
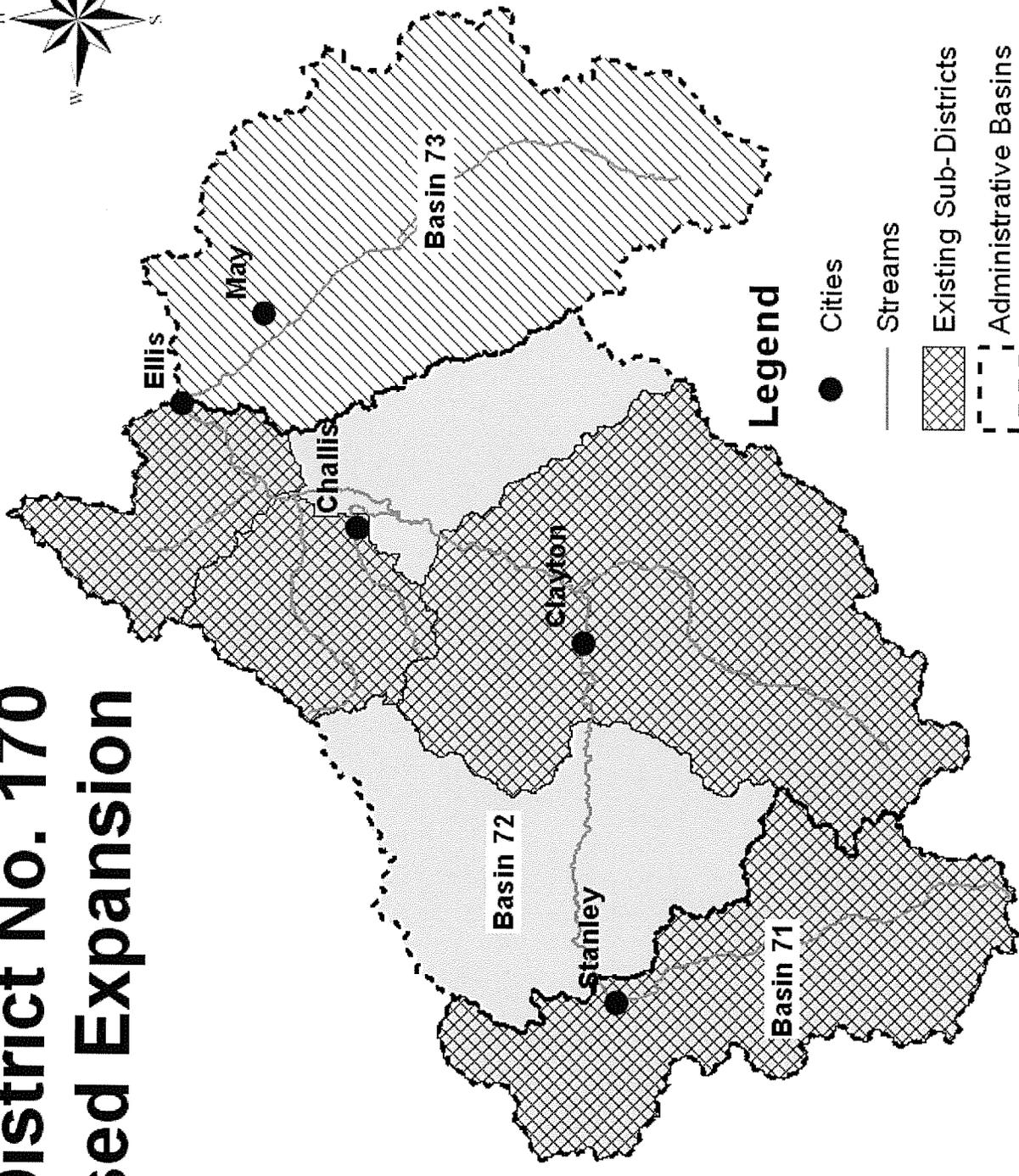
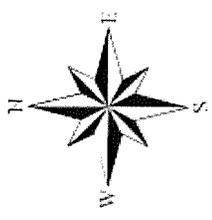
This notice of hearing has been sent to all WD170 water right holders of record as well as all water right holders of record for affected rights in basin 73 excluding holders of only de minimis stock water and domestic water rights as defined by sections 42-111 and 42-1401A(11), Idaho Code, and rights used for in-stream watering of livestock as defined by Section 42-113, Idaho Code.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Should you require special accommodations in order to attend, participate in, or understand the hearing, please contact the Department of Water Resources at least five (5) days prior to the hearing. If you have questions concerning this notice, please call the IDWR State Office at (208) 287-4800. You can also contact the Department's regional office in Idaho Falls at (208) 525-7161.

DATED this _____ day of _____ 2012

Gary Spackman
Director

Water District No. 170 Proposed Expansion



Legend

- Cities
- Streams
- Existing Sub-Districts
- Administrative Basins
- Current Water District No. 170
- Proposed for Inclusion

